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SUBJECT: REFUGEE UPDATES: GOT ACKNOWLEDGES OBLIGATIONS, BUT STILL
AIMS TO CLOSE MTABILA CAMP

REF: A: DAR ES SALAAM 413, B: DAR ES SALAAM 525, C: DAR ES SALAAM
607

11. (SBU) SUMMARY: Due to security and domestic political concerns, GOT continues to push for the repatriation of the Burundian refugees in the Mtabila camp. While initial steps towards invoking the cessation clause have been taken, UNHCR hopes to avoid a scenario where the refugees are forced to return and has increased the incentives offered to those willing to repatriate as a means of encouragement. GOT acknowledges that conditions in the DRC are not conducive to repatriation and is committed to living up to international obligations vis-a-vis this group. The GOT has granted citizenship to 29,000 Burundian refugees living in the settlements and aims to complete the naturalization process for the remaining population by the end of the year. The GOT plans to relocate these individuals to various regions within Tanzanian over the next two years. UNHCR estimates this effort will cost more than USD 20 million per year. END SUMMARY

12. (U) On October 26, Washington-based Program Officer in the Bureau of Population, Refugees and Migration (ProgOff), Wendy Henning; and Kampala-based Refugee Program Assistant (RefPA), Annie Gacukuzi met separately with UNHCR, Red Cross, and Ministry of Home Affairs officials to discuss the status of the remaining refugees in Tanzania. Accompanied by PolOff, ProgOff and RefPA met with Indrika Ratwatte, Deputy Representative; Eveline Wolfcarius, Associate External Relations Officer; and Ron Mponda, Senior Protection Officer, at UNHCR; Charles Nzuki, Assistant Director, Refugee Services at the Ministry of Home Affairs; and representatives from the Spanish, American, and Tanzanian Red Cross.

Mtabila: Status of the Remaining Refugees

13. (SBU) Ratwatte started off the meeting at UNHCR by presenting the GOT's perspective on the refugees in the Mtabila camp (ref a). He said the GOT feels it has done enough for these refugees, having supported the peace process and offered them refuge for more than 15 years. With conditions in Burundi safe for these refugees to return and their rationale for staying no longer refugee related, the GOT would like to see the 35,000 Burundians in the Mtabila camp leave Tanzania. According to Ratwatte, the GOT believes allowing them to remain only perpetuates the cycle of dependence, particularly as the refugees are provided with better living conditions than average Tanzanians. The GOT would like to see Burundi increase its efforts to facilitate the return of these refugees. Ratwatte suspects that GOT leaders feel pressure to live up to their promises to have Tanzania 'refugee free' by 2010 in the lead up to the October 2010 elections. He noted that the Minister of Home Affairs, Lawrence Masha, has been criticized by the opposition for compromising

national security by granting citizenship to the 1972 Burundian refugees.

14. (SBU) Ratwatte also noted that the GOT has security concerns related to this refugee population as there have been reports that some of them are armed. According to UNHCR, Tanzanian police arrested a few armed men in the camp, but most were released and likely returned to the camp. Further, Ratwatte reported that there is a considerable amount of cross border interaction, a fact that the Red Cross also noted. According to Ratwatte, the GOT is concerned that the refugees may be receiving assistance to "mobilize" from elements in Burundi. During a donor partner meeting at UNHCR, Yacoub El Hillo, outgoing Representative, stated that FNL member Pasteur Habimana's numerous visits are certainly a 'cause for concern'. El Hillo suggested that some of the refugees may have been promised roles in the Burundian government after the 2010 elections. However, El Hillo said these FNL visits are strictly political in nature, not military. Ratwatte admitted that if the civilian nature of the camp was compromised, there would be a serious problem. Separately, MHA's Nzuki also raised the connection between the Mtabila population and the FNL, suggesting that these refugees are supporters of Agathon Rwasa and as such were awaiting the outcome of the Burundian elections before returning home.

15. (SBU) During the meeting at the Ministry of Home Affairs, Nzuki reiterated Tanzania's goal to be refugee free by the end of 2010. He acknowledged that Congolese refugees will likely remain due to the uptick of conflict in their area of origin. He highlighted that the GOT, GOB, and UNHCR had discussed the Mtabila population during the Tripartite meeting in June (ref b) and again at the Executive Committee meeting in Geneva in September, at which time all parties

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agreed that the conditions in Burundi were satisfactory to allow for repatriation. He further stated that the GOT had expressed its desire for the cessation clause to be invoked as soon as possible. Nzuki acknowledged the importance of following the necessary procedures related to the cessation clause, which he said would be in place by year-end. As part of this process, refugees with valid claims to asylum would have their status reviewed. Queried as to what would happen if the refugee status of this population is revoked and the refugees choose not to return, Nzuki said unless they had valid claims to asylum, they would have to apply for a resident permit to remain in Tanzania.

16. (SBU) In an effort to encourage the remaining refugees in the Mtabila camp to return home, Ratwatte said that UNHCR has enhanced the incentive package by tripling the cash grants and expediting the repatriation process. With regards to other efforts to encourage the refugees to return home, ProgOff expressed concern about the closure of the primary schools in the camp. Ratwatte explained that the GOT had "officially closed" the camp and thus did not believe such services should be provided. From the GOT's perspective, it is not denying these children an education; their parents are doing so by refusing to return to Burundi. Ratwatte said the Regional Commissioner had been particularly adamant about this issue. ProgOff emphasized that primary education is generally considered a basic right and protection tool. Ratwatte agreed and said UNHCR would reevaluate the situation in December. If the school closure lasted more than three months, UNHCR would make a "serious demarche" to the GOT.

17. (SBU) UNHCR also said it is following through with the steps associated with the invocation of the cessation clause, having recently completed the population survey in the Mtabila camp. Further, it is developing a "road map" to guide the process. However, UNHCR hopes to avoid a scenario in which this clause is invoked. Ratwatte believes if UNHCR can persuade 15,000 refugees to return to Burundi by the end of the year, it will be able to negotiate with the GOT for additional time. If these refugees do not return, then UNHCR will undertake the additional processes required to invoke the cessation clause, such as the evaluation of the conditions in Burundi and the establishment of a system for any necessary individual status determinations. At this stage, UNHCR hopes to persuade the GOT not to invoke the cessation clause unilaterally. Ratwatte seemed confident that UNHCR will be able to

"get the space needed" to complete the cessation clause process properly in the early part of 2010 if necessary. However, he noted that if one refugee decides to make a claim for asylum, they all will, resulting in a lengthy status determination process.

18. (SBU) UNHCR Tanzania is developing a contingency plan with its counterparts in Burundi to prepare for the possibility of unilateral Tanzanian invocation of the cessation clause and attempts to escort the refugees back to Burundi. UNHCR has compiled information on the origin of each refugee and would help the reception centers cope with an influx. However, the key challenge would be to transport the refugees to their home villages from the reception centers. If the GOT unilaterally invokes the cessation clause, UNHCR would stress to the GOT that these refugees should be returned in a humane way and with the full agreement of GOB.

Nyarugusu Camp: Congolese Refugees Continue to Arrive

19. (SBU) Ratwatte reported that the relocation of all Congolese refugees from the closed Lugufu camp to Nyarugusu camp was complete. Nyarugusu has also been receiving a "trickle" of new arrivals each day, with 500 new arrivals in the last thirty days. Based on observations from his counterparts in the DRC, Ratwatte said it was unclear if these are new arrivals to Tanzania or simply new arrivals to the camp. There is some question as to whether some of these individuals have been in Tanzania for some time, possibly having been rejected from Lugufu. UNHCR is conducting in-depth interviews to determine how and when these refugees arrived. If they are indeed new arrivals, they will be screened by the National Eligibility Committee. At present, they have not been granted refugee status but are receiving assistance. Ratwatte cautioned that they do not want to "open Pandora's box" by accepting these Congolese without determining where and how they entered Tanzania. (Note: MHA's Nzuki stated that the Regional Authorities in Kigoma are reluctant to receive new arrivals.)

110. (SBU) Ratwatte acknowledged that UNHCR will need to reexamine

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its strategy for the return of the Congolese refugees given the problems in North and South Kivu. If military action ceases, UNHCR would like to see the return of 15,000 Congolese (out of 61,000 now in the camp). However, he said if the fighting continues in DRC, these refugees will not return. Nzuki as well as the MFA noted that GOT would live up to its international obligations vis-a-vis the DRC refugees. Nzuki stated that the GOT is not promoting repatriation to North or South Kivu. Red Cross officials noted that the Nyarugusu camp is at capacity and suggested that if there were a major influx of refugees from the DRC, another camp would need to be opened.

Naturalization and Relocation of the 1972 Burundian Population

111. (SBU) While the repatriation of the 1972 Burundian refugees was completed the week of October 26, the naturalization process continues. UNHCR set up a citizen processing unit in Dar es Salaam to facilitate the process and to date roughly 29,000 refugees have been granted citizenship. Ratwatte noted that the Minister of Home Affairs has committed to completing the naturalization process by the end of the year.

112. (SBU) Although UNHCR is still working out the details of relocation, Ratwatte did confirm that all the refugees would be moved, with some remaining in the general vicinity of the settlements. Based on an earlier UNHCR intentions survey, roughly half of this population knew where they would like to go, while the other half expressed no preference. UNHCR is in the process of developing a relocation package for these refugees to include a cash grant and certain non-food items. Further, it will consult with regional authorities to determine what type of sectoral assistance they need to absorb these groups, such as funding for schools and clinics. The Minister of State for Regional Administration and Local Government plans to host the Regional Commissioners from several regions, including Morogoro and Mwanza, to discuss integration. The regional authorities have set a two year timeframe for local integration, which UNHCR estimates will cost USD 23

million in 2010 and USD 22 million in 2011.

ANDRE